

CITY OF ANGELS CITY COUNCIL MINUTES

Tuesday, October 7, 2014

Tuesday, October 21, 2014

Council Members Present: Mayor Elaine Morris, Vice Mayor Jack Lynch, Council Members Wes Kulm, Bert Sobon and Scott Kelly

Staff Present: Michael McHatten, Derek Cole (City Attorney), Dave Myers, Dave Hanham, Julie McManus, Todd Fordahl, Nathan Pry and Mary Kelly

5:00 p.m. CALL TO ORDER – MEETING OF OCTOBER 7, 2014

Chair Morris called the City Council meeting to order at 5:00 p.m. The City Council convened to closed session. Chair Morris reconvened to open session.

6:00 p.m. REGULAR MEETING

The City Attorney stated that due to the large crowd in attendance, the fire limit of the room had been exceeded. The City Administrator reported that based on the number of attendees at the Planning Commission meeting on the 11th of September, staff felt the fire house would be large enough to hold this meeting. However staff had looked for a larger venue to hold the meeting in the event of a large crowd but there were none available.

The City Attorney offered the Council two (2) options in moving forward with the meeting. He suggested the entire meeting be continued until the next scheduled Council Meeting (October 21st) or continue only the items that the crowd had come to hear and comment on.

MOTION by Council Member Sobon, seconded by Council Member Kulm and carried 5-0 DIRECTING STAFF TO CONTINUE THE ENTIRE OCTOBER 7, 2014 AGENDA AND MEETING TO OCTOBER 21, 2014 WHERE THE MEETING WILL BE HELD AT A VENUE THAT WILL ACCOMMODATE A LARGE CROWD.

MEETING WAS RECONVENED ON OCTOBER 21, 2014 AT THE BRET HARTE HIGH SCHOOL THEATER

6:00 p.m. CALL TO ORDER REGULAR MEETING OF OCTOBER 21, 2014

ACTION TAKEN IN CLOSED SESSION – OCTOBER 7, 2014

A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING/PENDING LITIGATION** City of Angels Camp v. Marie A. Starr, Calaveras Sup. Ct. Case No. 11CV37944

Council Action: Direction given to Counsel

B. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Difu, Croletto, Rosato and Turco v. City of Angels Camp, and City of Angels Camp Landscaping and Lighting District #1, Calaveras County Superior Court, Case No.13-cv-39523

Council Action: Item was pulled from the agenda with no discussion.

APPROVAL OF AGENDA

MOTION by Council Member Lynch, seconded by Council Member Kulm and carried 5-0 APPROVING THE AGENDA AS PRESENTED.

CONSOLIDATED STAFF REPORT

Council Member Lynch asked the Finance Officer the status of the Transient Occupancy Tax (TOT) audit. Julie McManus reported she is waiting for information requested from the larger vendors to decide if there needs to be a full-fledged audit or only a TOT review. She hopes to have this information in November, Council Member Lynch asked the City Engineer how the testing on the chromium levels turned out. David Myers reported there was nothing detected. Mr. Lynch asked about the odor trial test on Finnegan Lane and was told there is no update yet on the odor test and the venting system is still being used. Mr. Lynch commented on the editorial opinion written by Chief Fordahl regarding Proposition 47. He urged the citizens to take note of what was written. Council Member Kulm reported that the Fire Department is installing new counters and tops and gave thanks to Stuart Raggio who provided the materials.

COUNCIL UPDATES

Bert Sobon

- From September 3rd through the present attended the following meetings: CCOG, ACBA, CPR training, UWPA, LAFco, Museum, CPPA IRWMA and Gold Rush Day.

Wes Kulm

- From September 11 through the present attended the following meetings: DAC Board, ACBA, CCOG, Gold Rush Day.

Jack Lynch

- Attended the following meetings in October: UWPA, Museum, ACCC, LAFco, Gold Rush Day.

Scott Kelly

- In September, attended CPR training, Planning Commission, Saturday at the Mines (Museum) and the Fun Run 'after' event at Utica Park. Volunteer at Gold Rush Day.

Elaine Morris

- Attended CCOG and Gold Rush Day.

PUBLIC COMMENT

Anne Forrest reported that Gold Rush Day was an excellent event and success. She thanked the Council for the City's financial support and presented them with a 'City of Angels' banner. She stated that the 4th annual Gold Rush Day will be on October 17, 2015.

CONSENT AGENDA

MOTION by Council Member Lynch, seconded by Council Member Kulm and carried 5-0 ADOPTING THE CONSENT AGENDA ITEM AS PRESENTED with Mr. Lynch abstaining from the minutes of September 2, 2014.

- a. Approve Minutes of Regular meeting of September 2, 2014
- b. Approve Members to serve on the Stakeholder Committee for the Partnership Planning Grant
- c. Approve agreement with NV5 for Design Services on the Aerobic Digest Repairs

REGULAR AGENDA

1. PUBLIC HEARING: GENERAL PLAN AMENDMENT/REZONE FOR MARK TWAIN MEDICAL CLINIC LOCATED AT 170 DOGTOWN ROAD

City Administrator Michael McHatten provided a PowerPoint outlining the background of this project and explained new traffic mitigation solutions prepared by Omni Means and the Planning Commission.

Public Hearing was opened at 6:48 p.m.

The following persons spoke against the rezone and General Plan Amendment:

John Airola – Resident

Don Jordan – Resident. Provided the Council with suggested traffic flow solutions (see attachment 'A').

Kathy Gomes – Resident. Asked the Council if the increase in noise violates the City ordinance. Asked if there were any traffic studies done for Francis Street. *Staff: The noise issue was not looked at. There were no new traffic studies for Francis Street.*

Jim Pryor – Resident. Asked if a round-a-bout had been proposed. *Staff: Round-a-Bout not proposed.*

Mary Fowler – Resident. Asked what the City's notification process is. *Staff: notice was given to all residents on Clifton Lane, Gardner Lane and Dogtown Road. Notices posted in newspaper, City Hall, post offices.*

Daryl Nelson – Resident

Jennifer Eldringham – Resident

Karen Boyd – Resident. Asked if the hospital will be built before any improvements were made. *Staff: all attempts will be made to construct project and improvements at the same time.*

Mike Fish – Resident

Chris Muetteries – Resident. Asked how much tax revenue will the MTMC generate. *Staff: no tax revenue is generated for the City from this project.*

Sandra Lanier – Resident.

Tom Tryon – Resident. Asked if any alternative locations have been looked at for this facility. *Staff: yes.*

Kathryn Bolton – Resident

The following person spoke in favor of the rezone and General Plan Amendment:

Damon Doss – Executive Director, Mark Twain Health

Public Hearing was closed at 7:55 p.m.

Council Member Lynch said he was in favor of the Dignity Health Building but the proposed location is wrong. He spoke his concerns and provided a handout with his comments (Attachment 'B'). He said he would not be supporting this item.

Council Member Kelly said he agreed with some of the concerns voiced by Jack Lynch but his own main concern was the traffic issue. He felt the short term solution will end up as the long term solution and due to the traffic problems he could not support the project at this location.

Council Member Kulm said he felt the notification process went well beyond what the law called for. Everyone in the surrounding areas were sent notices, there were several Planning Commission meetings and a workshop. In response to a comment made by Council Member Lynch that the City should be more pro-active, Mr. Kulm said it is not the purpose for government to be realtors. He said there are pros and cons of the site. He said as a Councilman he has to think of the best interest for everyone in the Community, not just the people present in this room. He has to decide what he thinks is the greatest good to the community. Growth has impacts and this project should move forward. He said he is in favor of the project.

Council Member Sobon stated that if the property was built on as it is zoned now there would be more traffic counts than the medical clinic. He said he felt it was in the City's best interest to move ahead with the medical clinic.

Mayor Morris stated she has concerns for the traffic impacts and safety issues in this project. She said she agrees with Councilmen Lynch and Kelly and will not be supporting the project at this location.

MOTION by Council Member Kulm, seconded by Council Member Sobon to:

1. ADOPT RESOLUTION NO. 2014-25. A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT, MITIGATED NEGATIVE DECLARATION, INITIAL STUDY AND MITIGATION MONITORING FOR PROJECT 13-33 DIGNITY HEALTH MARK TWAIN MEDICAL CENTER LOCATED AT 170 DOGTOWN ROAD (APN 057-021-024 & APN 058-017-023)

2. ADOPT ORDINANCE NO. 466 AMENDING CHAPTER 17.12, SECTION 17.12.020 OF THE CITY OF ANGELS MUNICIPAL CODE

Roll Call Vote: Sobon {YES}, Kulm {YES}, Lynch {NO}, Kelly {NO}, Morris {NO}.

RESOLUTION NO. 2014-25 AND ORDINANCE NO. 466 FAILED ON A 2-3 VOTE.

The Mayor called a 15-minute recess

8:45p.m. RECONVENE

2. **ADOPT RESOLUTION 14- SELECTING A LONG TERM TRANSPORTATION SOLUTION FOR THE DOGTOWN ROAD/CLIFTON LANE AND STATE ROUTE 49 INTERSECTIONS**

MOTION by Council Member Sobon, seconded by Council Member Lynch and carried 5-0 APPROVING RESOLUTION NO. 14-26. A RESOLUTION ADOPTING A PREFERRED ALTERNATIVE FOR THE NORTHEAST QUADRANT OF THE CITY AND DIRECT STAFF TO UPDATE ALL OF THE NECESSARY PLANS TO INCLUDE THIS ALTERNATIVE AND PREPARE FOR THE 2015-2016 YEAR.

3. **ADOPT RESOLUTION APPROVING THE PROJECT STUDY REPORT FOR THE VALLECITO ROAD AND STATE ROUTE 49 INTERSECTION**

MOTION by Council Member Lynch, seconded by Council Member Kulm and carried 5-0 ADOPTING RESOLUTION NO. 14-24. A RESOLUTION ACCEPTING PROJECT STUDY REPORT/PROJECT DEVELOPMENT SUPPORT FROM THE STATE OF CALIFORNIA TO THE CITY OF ANGELS. THE 5TH WHEREAS IN THE RESOLUTION BEING CHANGED TO READ:

“**WHEREAS**, the City of Angels City Council has decided not to move forward with the Project, and will work with Caltrans to relinquish the bridge and intersection back to the City. The City will also verify with Caltrans that there are funds available. City Staff will work with Caltrans to determine a cost for the repair of the bridge and relinquishment of the segments and the bridge. The City will then be responsible for the repairs of the bridge and the improvement of the intersection. The City will work with CCOG to inquire the surety of additional funding sources the City could take advantage of that could repair the bridge and complete some improvements to the intersection.”

CALENDAR

Calendar was reviewed by City Clerk Mary Kelly

MEETING WAS ADJOURNED AT 10:15 P.M.

Elaine Morris
Mayor

ATTEST:

Mary Kelly
City Clerk